THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.2909 of 2005

Dated: 03-08-2004

Between:

K. Jejamma

…Petitioner(s)

a n d

The District Collector, Chittoor District, Chittoor and others

…Respondent(s)

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.22917 of 2004

ORDER:

This writ petition is filed seeking a certiorari calling for the records relating to the issuance of impugned proceedings No.L.Dis(B) 453/2005 dated 12.02.2005 on the file of the second respondent and quash the same as arbitrary and illegal.

Under the impugned proceedings, the fourth respondent, a non-controversial person, was sought to be appointed as a temporary dealer for Peddakondepalle fair price shop at Nallapalle village. The grievance of the petitioner is that there is no allegation of any contravention of the A.P. State Public Distribution System (Control) Orders, 2001 (for short 'the Control Orders), against her nor any show cause notice was issued to her nor the authorization held by her was suspended or cancelled. Therefore, the appointment of fourth respondent on temporary basis is arbitrary and illegal.

The third respondent filed a detailed counter affidavit wherein it is stated that due to factions among the villagers within the fair price shop area of Peddakondepalle in S.R.Puram Mandal, much difficulties were faced by the administration to satisfy all the cardholders under the fair price shop. To satisfy all the cardholders, the writ petitioner herein opened a separate counter and commodities were distributed

through the staff of the Mandal Revenue Office, S.R.Puram. As it became continuous problem for the staff of the Mandal Revenue Office, it has been decided to appoint a non-controversial person to pacify the present situation among the cardholders. Therefore, no show cause notice was served on the petitioner nor it is the intention of the officers to harass the writ petitioner with any political pressures.

While, admitting the writ petition an interim order was passed directing the respondents to supply the essential commodities to the petitioner if the authorization was not suspended or cancelled. There is no provision under the Control Orders to make such arrangement. Therefore, the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed and the petitioner shall be allowed to supply essential commodities as usual. No order as to costs.

03.08.2006

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